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10 Attorneys for Plaintiff FOX FACTORY, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15
16

17 FOX FACTORY, INC.,

18 Plaintiff,

19 v.

20 SRAM, LLC and SANDLEFORD LIMITED,

21 Defendants.

CASE NO. 3:16-cv-03716-WHO

**PLAINTIFF FOX FACTORY INC.'S
ANSWER TO SRAM, LLC'S
COUNTERCLAIM (DKT. 96)**

DEMAND FOR JURY TRIAL

1 Plaintiff FOX Factory, Inc. ("FOX Factory"), by and through its attorneys, hereby responds
2 to Defendant SRAM, LLC's ("SRAM") Counterclaims for declaratory judgment, filed November 1,
3 2017 (ECF No. 96).

4 NATURE OF ACTION

5 1. FOX Factory admits that SRAM has alleged counterclaims seeking a judgment
6 declaring that all asserted claims of the '172 patent and the '009 patent are invalid and/or not
7 infringed by SRAM, but FOX Factory denies SRAM is entitled to any such judgment. Except as
8 expressly admitted, FOX Factory denies the allegations of paragraph 1.

9 THE PARTIES

10 2. On information and belief, FOX Factory admits the allegations in paragraph 2.

11 3. FOX Factory admits the allegations in paragraph 3.

12 JURISDICTION AND VENUE

13 4. FOX Factory admits the allegations in paragraph 4.

14 5. FOX Factory admits that on July 1, 2016, it commenced a civil lawsuit against SRAM,
15 alleging that SRAM is infringing claims 1, 2, 4, 6, and 7 of the '172 patent and at least claims 1-3, 5, and
16 7-9 of the '009 patent, and that, for purposes of this action and SRAM's counterclaims, this Court has
17 personal jurisdiction over FOX Factory. Except as expressly admitted, FOX Factory denies the
18 allegations in paragraph 5.

19 6. FOX Factory admits that as a result of both parties' pleadings, there is now an actual
20 and justiciable controversy between FOX Factory and SRAM concerning the infringement and
21 validity of the '172 patent and the '009 patent, but denies SRAM's allegations of invalidity and
22 noninfringement of the '172 patent and '009 patent, denies that SRAM has adequately stated or pled
23 a case or controversy as to enforceability of the '172 patent and the '009 patent, and denies that
24 either the '172 patent or the '009 patent is unenforceable. Except as expressly admitted, FOX
25 Factory denies the allegations in paragraph 6.

COUNT I

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,226,172)

7. In response to paragraph 7, FOX Factory incorporates by reference its responses in paragraphs 1 through 6 above as though fully set forth herein.

8. FOX Factory admits that as a result of the parties' pleadings, there is now a case or controversy regarding the infringement of the asserted claims of the '172 patent, but denies SRAM's allegations of noninfringement. Except as expressly admitted, FOX Factory denies the allegations in paragraph 8.

9. FOX Factory denies the allegations in paragraph 9.

10. FOX Factory admits that SRAM states that it seeks a judicial declaration finding that SRAM has not infringed and does not infringe any valid and enforceable claims of the '172 patent, but FOX Factory denies SRAM's allegations of noninfringement and invalidity, denies that SRAM has adequately pled unenforceability, denies that the '172 patent is unenforceable, and denies that SRAM is entitled to any such declaration. Except as expressly admitted, FOX Factory denies the allegations in paragraph 10.

COUNT II

(Declaratory Judgment of Invalidity of U.S. Patent No. 8,226,172)

11. In response to paragraph 11, FOX Factory incorporates by reference its responses in paragraphs 1 through 10 above as though fully set forth herein.

12. FOX Factory admits that as a result of the parties' pleadings, there is now a case or controversy regarding the validity of the asserted claims of the '172 patent, but denies SRAM's allegations of invalidity. Except as expressly admitted, FOX Factory denies the allegations in paragraph 12.

13. FOX Factory denies the allegations in paragraph 13.

14. FOX Factory admits that SRAM states that it seeks a judicial declaration finding that the asserted claims of the '172 patent are invalid, but FOX Factory denies SRAM's allegations of

1 invalidity and denies that SRAM is entitled to any such declaration. Except as expressly admitted,
2 FOX Factory denies the allegations in paragraph 14.

3 **COUNT III**

4 **(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,974,009)**

5 15. In response to paragraph 15, FOX Factory incorporates by reference its responses in
6 paragraphs 1 through 14 above as though fully set forth herein.

7 16. FOX Factory admits that as a result of the parties' pleadings, there is now a case or
8 controversy regarding the infringement of the asserted claims of the '009 patent, but denies SRAM's
9 allegations of noninfringement. Except as expressly admitted, FOX Factory denies the allegations in
10 paragraph 16.

11 17. FOX Factory denies the allegations in paragraph 17.

12 18. FOX Factory admits that SRAM states that it seeks a judicial declaration finding that
13 SRAM has not infringed and does not infringe any valid and enforceable claims of the '009 patent,
14 but FOX Factory denies SRAM's allegations of noninfringement and invalidity, denies that SRAM
15 has adequately pled unenforceability, denies that the '009 patent is unenforceable, and denies that
16 SRAM is entitled to any such declaration. Except as expressly admitted, FOX Factory denies the
17 allegations in paragraph 18.

18 **COUNT IV**

19 **(Declaratory Judgment of Invalidity of U.S. Patent No. 8,974,009)**

20 19. In response to paragraph 19, FOX Factory incorporates by reference its responses in
21 paragraphs 1 through 18 above as though fully set forth herein.

22 20. FOX Factory admits that as a result of the parties' pleadings, there is now a case or
23 controversy regarding the validity of the asserted claims of the '009 patent, but denies SRAM's
24 allegations of invalidity. Except as expressly admitted, FOX Factory denies the allegations in
25 paragraph 20.

26 21. FOX Factory denies the allegations in paragraph 21.

22. FOX Factory admits that SRAM states that it seeks a judicial declaration finding that the asserted claims of the '009 patent are invalid, but FOX Factory denies SRAM's allegations of invalidity and denies that SRAM is entitled to any such declaration. Except as expressly admitted, FOX Factory denies the allegations in paragraph 22.

PRAYER FOR RELIEF

FOX Factory denies that SRAM is entitled to any of the relief requested in paragraphs (A)-(F) of SRAM's Request for Relief.

DEMAND FOR JURY TRIAL

FOX Factory demands a jury trial on all matters triable to a jury.

Dated: November 15, 2017

FINNEGAN, HENDERSON, FARABOW,
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By: /s/ Jeffrey D. Smyth
Jeffrey D. Smyth
Attorneys for Plaintiff
FOX FACTORY, INC.